



STATE OF NEW MEXICO EXECUTIVE OFFICE SANTA FE, NEW MEXICO

# Proclamation

*WHEREAS, the right to vote is the essence of our country's democracy, and the fundamental principle of equal representation for equal numbers of people must be upheld;*

*WHEREAS, the Equal Protection Clause of the U.S. Constitution, as interpreted by the Supreme Court of the United States, requires states make an honest and good faith effort to construct districts in both houses of their legislature as nearly of equal population as is practicable;*

*WHEREAS, pursuant to Article IV, Section 3(D) of the New Mexico Constitution, the Legislature is responsible for reapportioning its membership after the federal decennial census;*

*WHEREAS, the federal 2020 census data regarding New Mexico's population is now available;*

*WHEREAS, the State of New Mexico received approximately \$1.7 billion in funds from the U.S. Treasury Department pursuant to the American Rescue Plan Act ("ARPA"), of which approximately \$1.1 billion has yet to be spent;*

*WHEREAS, ARPA funds must be spent for specific purposes pursuant to federal law, such as responding to the ongoing pandemic and making investments in broadband infrastructure;*

*WHEREAS, COVID-19 has caused our State significant economic harm and strained our existing infrastructure;*

*WHEREAS, a substantial amount of medical practitioners have raised significant concerns regarding recent amendments to the Medical Malpractice Act set to take effect January 1, 2022, that may force them to shutter their practices to avoid unsustainable financial liability; and*

*WHEREAS, it is necessary for the New Mexico State Legislature to convene at the State Capitol Building to reapportion its membership, as required by the U.S. and New Mexico Constitutions, make appropriations of the available ARPA funds to assist the people of New Mexico as the pandemic progresses, and make certain emergency amendments to the Medical Malpractice Act.*

*NOW THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by Article IV, Section 6 of the New Mexico Constitution, do hereby issue this amended proclamation and call the Fifty-Fifth Legislature of the State of New Mexico into a Special Session at twelve o'clock p.m. on Monday December 6, 2021, at the State Capitol Building in Santa Fe. In accordance with Article IV, Section 6, this Special Session is called for the purpose of considering and enacting legislation concerning the following objects and no others: (1) reapportioning districts for electing members to the United States House of Representatives, the New Mexico House of Representatives, and the New Mexico Senate; (2) reapportioning districts for the New Mexico Public Education Commission; (3) appropriating all available ARPA funds in compliance with federal law; (4) amending the Medical Malpractice Act specifically as follows: (i) removing the phrase "or not an agent" from NMSA 1978, Section 41-5-3(E) (1976, as amended through 2021), (ii) adding a temporary provision providing that from January 1, 2022, to July 1, 2023, except for punitive damages and past and future medical care and related benefits, the aggregate dollar amount recoverable by all persons for or arising from an injury or death to a patient as a result of malpractice shall not exceed seven hundred fifty thousand dollars (\$750,000) per occurrence for claims brought against an outpatient health care facility, if the injury occurred in that time period, (iii) adding a section providing: "The provisions of Laws 2021, Chapter 16, Section 3 apply to outpatient health care facilities described in Section 1 of this act on and after July 1, 2023," and (iv) adding an emergency section providing: "It is necessary for the public peace, health and safety that this act take effect immediately"; and (5) appropriating funds for the expenses of the Fifty-Fifth Legislature, Second Special Session, 2021.*

Attest:

*Maggie Toulouse Oliver*  
Maggie Toulouse Oliver  
Secretary of State

Done at the Executive Office this  
9<sup>th</sup> day of December 2021.

Witness my hand and the Great Seal  
of the State of New Mexico.

*Michelle Lujan Grisham*  
Michelle Lujan Grisham  
Governor

